

THOS. H. BAIRD, ADMINISTRATOR OF DR. ABSALOM BAIRD,
DECEASED.

[To accompany Bill H. R. No. 836.]

JUNE 15, 1860.

Mr. HOARD, from the Committee of Claims, made the following

R E P O R T .

The Committee of Claims, to whom was referred the petition of Thos. H. Baird, administrator of Absalom Baird, have had the same under consideration, and beg leave to report :

That in the year 1856 Congress passed an act for the claimant, as administrator of Dr. Baird, who was a surgeon in the army of the revolution, (act of August 18, 1856.) On a settlement had at the Treasury Department, the accounting officers of the government offset the sum of \$5,452 71 with a balance claimed to be due the government by the said Thomas H. Baird and George Baird on some old transactions connected with the United States Bank. The only question presented for consideration is the power of the Treasury Department in making the offset, and about this your committee think there can be no dispute. It is clear there existed no such authority on the part of the accounting officers, and the deduction was improperly and illegally made.

In a similar case Attorney General Black says : " When a claim is presented which is undeniably legal and just, can the Secretary admit the title of the claimant, and set up a counter claim on the part of the government as a reason for not paying it? That is the question, and I confess I do not see how it is to be answered in the affirmative. There is no act of Congress giving any such power to the Secretary of the Treasury."

In the case in which Judge Black gave this opinion, the balance on the books of the treasury was against the party for whom the act of relief was passed; but in the present case the parties against whom balances stand on the books of the treasury are not identical with the party named in the act of Congress, and hence there is greater impropriety in the course pursued by the Treasury Department.

Your committee, believing the claimant entitled to the sum withheld, report a bill accordingly, and recommend its passage.

